

THIRTY-SEVENTH DAY

(Monday, March 18, 1935)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Harris of Dallas
Adamson	Hartzog
Adkins	Head
Aikin	Herzik
Alexander	Hill
Alsup	Hodges
Ash	Hofheinz
Atchison	Holland
Beck	Howard
Bergman	Huddleston
Bourne	Hunt
Bradbury	Hunter
Bradford	Hyder
Broyles	Jackson
Burton	James
Butler of Brazos	Jefferson
Butler of Karnes	Jones of Atascosa
Cagle	Jones of Falls
Caldwell	Jones of Runnels
Calvert	Jones of Shelby
Canon	Jones of Wise
Celaya	Keefe
Clayton	King
Collins	Knetsch
Colquitt	Lange
Colson	Lanning
Cowley	Latham
Crossley	Lemens
Daniel	Leonard
Davis	Lindsey
Davison of Fisher	Lotief
Davisson	Lucas
of Eastland	Luker
Dickison	Mauritz
Dunagan	McCalla
Dunlap of Hays	McConnell
Dunlap of Kleberg	McFarland
Duvall	McKee
Dwyer	McKinney
England	Moffett
Fain	Moore
Farmer	Morris
Fisher	Morrison
Fitzwater	Newton
Ford	Nicholson
Fox	Olsen
Frazer	Padgett
Fuchs	Palmer
Gibson	Patterson
Glass	Payne
Good	Petsch
Graves	Pope
Gray	Quinn
Greathouse	Reader
Hankamer	Reed of Bowie
Hardin	Reed of Dallas
Harris of Archer	Riddle

Roach of Angelina	Tarwater
Roach of Hunt	Tennyson
Roark	Thornton
Roberts	Tillery
Rogers	Venable
Russell	Waggoner
Rutta	Walker
Scarborough	Wells
Settle	Westfall
Shofner	Wood of Harrison
Smith	Wood of Montague
Stanfield	Worley
Steward	Young
Stinson	Youngblood
Stovall	

Absent—Excused

Cooper	Morse
Craddock	Roane
Hoskins	Spears
Leath	

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain, offered the following invocation:

"Almighty God, we plead not our worth or merits as we come into Thy presence, but encouraged by Thy word and urged by our need, we pray this morning for clearness of vision and a full grasp of our important tasks. Be pleased to lead us as we work in fields new and old. For Christ's sake. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. Padgett for today, on motion of Mr. Ford.

Mr. Hoskins for today and tomorrow, on motion of Mr. Burton.

Mr. Spears for today, on motion of Mr. Payne.

The following members were granted leaves of absence on account of illness:

Mr. Roane for today, on motion of Mr. Harris of Dallas.

Mr. Cooper for today, on motion of Mr. Harris of Dallas.

Mr. Leath for today, on motion of Mr. Daniel.

Mr. Morse for today, on motion of Mr. Wells.

Mr. Craddock for today, on motion of Mr. Youngblood.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the

House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Celaya:

H. B. No. 823, A bill to be entitled "An Act amending Article 7725, Revised Statutes of the State of Texas, 1925, by adding thereto Section 7725-a; providing a method by which water improvement districts, upon their dissolution, shall pay their indebtednesses by having same prorated against the lands lying within such districts in accordance with the assessed valuations of such lands on the county tax rolls for the preceding year, etc., and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Reed of Bowie and Mr. Beck:

H. B. No. 824, A bill to be entitled "An Act providing for relief for the DeKalb Independent School District of Bowie County, Texas, in order to aid said district in rebuilding its properties and equipping its school which was destroyed by fire on the fourth day of December, A. D. 1934; providing for work relief; making an appropriation to said district for said property, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Patterson (by request):

H. B. No. 825, A bill to be entitled "An Act providing for a tax of ten per cent (10%) of the wholesale value of intoxicating liquors; providing that stamps shall be affixed to each container and the manner of affixing said stamps; defining the words retail sale; providing that the State Treasurer shall have stamps manufactured; providing for the purchase of stamps and keeping records of sales and purchases, etc., and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Dunlap of Kleberg, Mr. Celaya, Mr. Pope, and Mr. Leonard (all by request):

H. B. No. 826, A bill to be entitled "An Act to create Yturria County Line Independent School District in Willacy and Kenedy Counties, Texas;

defining the metes and bounds of said district; providing a board of trustees therefor, and for their election, and for the appointment of trustees and giving them full control and management of said district until the next general election for independent school district trustees under general law, etc., and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Bradford:

H. B. No. 827, A bill to be entitled "An Act amending Article 2789 by adding Section "a" thereto authorizing the issuance of refunding bonds and warrants to refund any legal outstanding maintenance obligations of independent school districts and consolidated school independent districts by canceling evidence thereof and issuing to the holders or creditors notes, bonds, or warrants, with or without coupons, bearing interest payable annually, and declaring an emergency."

Referred to Committee on Education.

ADDRESS BY HON. JAMES A. MOFFETT

(In Joint Session)

In accordance with the provisions of Senate Concurrent Resolution No. 23, Inviting Hon. James A. Moffett, National Administrator of the Federal Housing Authority, to address a Joint Session of the House and Senate at 10 o'clock a. m., today, the Honorable Senators were announced at the bar of the House and, being admitted, were escorted to seats prepared for them.

Senator Ken. Regan, President Pro Tempore of the Senate, was escorted to a seat on the Speaker's stand.

Hon. James A. Moffett, accompanied by Hon. James V. Allred, Governor; Hon. Walter Woodul, Lieutenant Governor; Senators Rawlings, Hopkins, Hughston, and Messrs. Duvall, Moffett, and Jackson, committees on the part of the House and Senate, was announced at the bar of the House, and, being admitted, was escorted to a seat on the Speaker's stand.

Lieutenant Governor Walter Woodul called the Senate to order.

Hon. Coke R. Stevenson, Speaker of the House, called the House of Representatives to order, and presented Hon. James V. Allred, Governor, who introduced Hon. James A. Moffett.

Mr. Moffett addressed the Joint Session and the assemblage.

SENATE RETIRES

The Senate, at the conclusion of the address, retired to its Chamber.

RELATIVE TO RESOLUTION PERIOD

On motion of Mr. Alexander, the House dispensed with the consideration of resolutions at this time.

HOUSE BILL NO. 46 WITH SENATE AMENDMENTS

Mr. Lotief called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 46, A bill to be entitled "An Act declaring monopolies contrary to public policy of this State; making it unlawful for those engaged in the public utility business to prevent or hinder legitimate competition, or to fix discriminatory rates; making the Act applicable to subsidiary and associated corporations; providing for prima facie evidence of violations; providing for quo warranto proceeding and forfeiture of charter; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, with the Senate amendments.

On motion of Mr. Lotief, the House concurred in the Senate amendments by the following vote:

Yeas—111

Adamson	Canon
Adkins	Celaya
Aikin	Clayton
Alexander	Collins
Alsup	Colquitt
Ash	Colson
Atchison	Cowley
Beck	Crossley
Bergman	Daniel
Bourne	Davis
Bradbury	Davison of Fisher
Bradford	Dickison
Broyles	Dunagan
Burton	Dunlap of Hays
Butler of Karnes	Duvall
Cagle	Dwyer

England	McFarland
Fain	McKee
Farmer	McKinney
Fisher	Moffett
Fitzwater	Moore
Ford	Morris
Fox	Morrison
Frazer	Newton
Fuchs	Nicholson
Gibson	Olsen
Glass	Palmer
Good	Payne
Graves	Pope
Gray	Quinn
Hankamer	Reader
Harris of Dallas	Reed of Bowie
Hartzog	Reed of Dallas
Herzik	Riddle
Hill	Roach of Angelina
Hodges	Roach of Hunt
Hofheinz	Roark
Howard	Roberts
Huddleston	Russell
Hunter	Rutta
Jackson	Shofner
James	Smith
Jefferson	Stanfield
Jones of Atascosa	Stinson
Jones of Falls	Tarwater
Jones of Runnels	Tennyson
Jones of Shelby	Thornton
Jones of Wise	Tillery
Keefe	Venable
King	Waggoner
Knetsch	Walker
Lanning	Wells
Lotief	Wood of Harrison
Lucas	Worley
Mauritz	Youngblood
McConnell	

Nays—3

Greathouse	Westfall
McCalla	

Absent

Butler of Brazos	Lemens
Caldwell	Leonard
Calvert	Lindsey
Davisson	Luker
of Eastland	Patterson
Dunlap of Kleberg	Petsch
Hardin	Rogers
Harris of Archer	Scarborough
Head	Settle
Holland	Steward
Hunt	Stovall
Hyder	Wood of Montague
Lange	Young
Latham	

Absent—Excused

Cooper	Morse
Craddock	Padgett
Hoskins	Roane
Leath	Spears

Mr. Pope moved to reconsider the vote by which the House concurred in the Senate amendments to House Bill No. 46.

Mr. Lotief moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—106

Adamson	Jackson
Adkins	James
Aikin	Jefferson
Alsup	Jones of Atascosa
Ash	Jones of Falls
Atchison	Jones of Runnels
Bergman	Jones of Shelby
Bourne	Jones of Wise
Bradbury	Keefe
Bradford	Lange
Broyles	Lanning
Burton	Latham
Butler of Brazos	Lemens
Cagle	Leonard
Caldwell	Lindsey
Calvert	Lotief
Canon	Lucas
Clayton	Mauritz
Collins	McConnell
Colquitt	McFarland
Daniel	Moffett
Davis	Moore
Davison of Fisher	Morris
Davisson	Morrison
of Eastland	Newton
Dickison	Olsen
Dunagan	Palmer
Dunlap of Hays	Payne
Dwyer	Reader
England	Reed of Bowie
Fain	Reed of Dallas
Fisher	Roach of Hunt
Fitzwater	Roark
Ford	Roberts
Fox	Russell
Frazer	Rutta
Fuchs	Scarborough
Gibson	Settle
Glass	Shofner
Good	Smith
Graves	Stanfield
Hanna	Stinson
Hardin	Stovall
Harris of Archer	Tennyson
Harris of Dallas	Thornton
Head	Tillery
Herzik	Venable
Hodges	Waggoner
Hofheinz	Walker
Holland	Wells
Hunter	Westfall
Hyder	Wood of Harrison

Wood of Montague Young
Worley Youngblood

Nays—22

Butler of Karnes	Huddleston
Celaya	Hunt
Colson	King
Cowley	Luker
Dunlap of Kleberg	McCalla
Farmer	McKinney
Greathouse	Patterson
Gray	Pope
Hankamer	Quinn
Hill	Riddle
Howard	Roach of Angelina

Present—Not Voting

Crossley

Absent

Alexander	Nicholson
Beck	Petsch
Duvall	Rogers
Hartzog	Steward
Knetsch	Tarwater
McKee	

Absent—Excused

Cooper	Morse
Craddock	Padgett
Hoskins	Roane
Leath	Spears

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 136, "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the Attorney General's Department, and declaring an emergency."

H. B. No. 81, "An Act extending and enlarging the territorial boundaries and corporate limits of the City of Texas City, so as to include within such boundaries and limits an uninhabited parcel of land owned by said city and contiguous to the present boundaries thereof, and declaring an emergency."

H. B. No. 738, "An Act to diminish the civil jurisdiction of the County Court of Wichita County, Texas, and conform the jurisdiction of the district courts of such county to such change; to preserve the jurisdiction

and power of the County Court of Wichita County, Texas, over certain final judgments rendered prior to the passage of this Act, etc., and declaring an emergency."

H. B. No. 47, "An Act to amend Sections 3, 5, 11, and 16 of Chapter 244 of the Acts of the Regular Session of the Forty-second Legislature of the State of Texas, and declaring an emergency."

H. B. No. 159, "An Act to amend Article 1683 of the Revised Civil Statutes so as to provide that county librarians who have received a certificate of qualification for office one time from the State Board of Examiners, and said county librarian has under said certificate received employment in any county library in this State, said librarian may thereafter be re-employed by said county library without further examination and the issuance of another certificate from said State Board of Library Examiners, and declaring an emergency."

H. B. No. 232, "An Act regulating petitions in suits for divorce, to require such petitions to state whether there are children under sixteen years of age, and if so, to give full information as to such minors, making it the duty of the courts having jurisdiction of such suits to inquire into such status of such children, if divorce be granted; empowering such courts to make orders and decrees for their support and maintenance until they reach sixteen years of age; to determine and fix the amounts to be paid, the times of payment, to whom to be made, to have authority to enforce all decrees by contempt proceedings, and to have control of such decrees, to alter them when justice requires, to ascertain the ability to pay, to enforce the duty of the parents to support their children under sixteen years of age, after divorce, presenting the procedure, and declaring an emergency."

H. C. R. No. 8, Granting J. W. Maney and J. R. Alley permission to sue the State.

H. C. R. No. 32, Memorializing Congress in regard to interstate commerce.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, March 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. J. R. No. 6, Proposing an amendment to the Constitution of the State of Texas by adding to Article XVI another section, Section 61, providing for abolishing the fee method of compensating all district officers of this State and county officers in counties of this State having a population of twenty thousand (20,000) or more, and providing that all such district and county officers be paid on a salary basis, and providing that all precinct officers may be compensated on a fee basis, or on a salary basis, and authorizing the commissioners courts to determine whether certain county and precinct officers shall be paid on a fee basis or a salary basis.

Respectfully,

BOB BARKER,
Secretary of the Senate.

EXTENDING TIME FOR REPORT OF CERTAIN COMMITTEE

Mr. Graves offered the following resolution:

Whereas, The House of Representatives did heretofore pass House Simple Resolution No. 39, providing for a committee of seven, with general and special powers, to investigate all the affairs of the State Government which might be called to the attention of the committee, which in the opinion of the committee would warrant investigation; and

Whereas, The said committee was specifically authorized and instructed to investigate the matters concerning the investment of the Permanent School Funds; and

Whereas, Said committee has heretofore investigated matters and charges relating to the operation of the Life Insurance Department of the Insurance Commission; and

Whereas, There are at this time pending before the committee charges relating to the operation of the State Highway Department, the Depart-

ment of Education, the Barber Board, the losses of the State relating to the operation of the law concerning cigarette, gasoline and beer taxes and various other matters of great importance to the State of Texas; and

Whereas, In the terms of said resolution it was provided that the committee make its investigation and report not later than March 15, 1935; and

Whereas, It is important to the welfare of the State of Texas that the aforementioned matters pending for investigation before said committee be completed; therefore, be it

Resolved, That the committee be empowered to remain in session and continue its labors until its mission is completed; provided that said committee shall make its final report not less than ten days before the sine die adjournment of this session.

GRAVES,
KNETSCH,
KING,
HUNTER,
POPE,
CALVERT,
PETSCH.

The resolution was read second time, and was adopted.

APPOINTMENT OF ASSISTANT READING CLERK

On motion of Mr. Calvert, Rule II, of the House Rules, was suspended at this time, for the purpose of having an Assistant Reading Clerk to succeed Sam Hanna, resigned, appointed instead of being elected by the House.

Mr. Canon offered the following resolution:

Whereas, Our present Assistant Reading Clerk, the Hon. Sam Hanna, has been elected to membership to this House; and

Whereas, It will be necessary to fill the vacancy occasioned by Mr. Hanna's resignation; and

Whereas, The Speaker has temporarily appointed Mr. Clarence Jones who has for the past several weeks acted in the capacity of Assistant Reading Clerk; and

Whereas, His services have been highly satisfactory and he has proven himself entirely capable; now, therefore, be it

Resolved by the House of Representatives, That the Speaker be empowered to appoint Mr. Jones perma-

nently as Assistant Reading Clerk of this House.

Signed—Canon, Roach of Angelina, Aikin, Broyles, Tennyson, Shofner, Hill, Frazer, Atchison, Hodges, Graves, Jones of Wise, Bergman, Morris, Steward, Thornton, Herzik, Holland, Beck, Alsup.

The resolution was read second time, and was adopted.

HOUSE BILL NO. 227 ON SECOND READING

The Speaker laid before the House, as special order, on its second reading and passage to engrossment,

H. B. No. 227, A bill to be entitled "An Act defining common carrier pipe lines engaged, or to engage, in the transportation of natural gas; declaring all corporations, persons, partnerships, or associations of persons, now engaged, or to hereafter engage, in transporting natural gas from place to place in this State to be common carriers; declaring such common carriers to be public utilities and making them subject to the provisions of this Act; giving the Railroad Commission of Texas the power to regulate the rate of such transportation by such common carriers; granting them the right to establish, maintain and operate telegraph and telephone lines upon their rights of way in connection with their business, and to build and maintain their lines under and across or along streams, highways and streets as other common carriers within this State; and providing against discrimination in favor of or against individuals, associations of persons, municipal corporations, or corporations in the conduct of their business; requiring them to exchange tonnage with other common carriers, and to receive and transport natural gas tendered to them for transportation, etc., and declaring an emergency."

The bill was read second time.

Question—Shall House Bill No. 227 pass to engrossment?

RECESS

On motion of Mr. Tennyson, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

HOUSE BILL NO. 227 ON PAS-
SAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 227, concerning common carrier pipe lines transporting natural gas;

The bill having been read second time on this morning.

Mr. Tennyson offered the following amendments to the bill:

Amend House Bill No. 227, Section 2, page 3, line 18, by striking out the words and figures "thirty (30)" and insert in lieu thereof the words and figures "ninety (90)."

Amend House Bill No. 227, page 5, Section 5, line 9; by striking out the word "tonnage" and inserting after the word "transportation" the word "service," and by striking out the word "tonnage," line 12, and inserting in lieu thereof the words "natural gas."

Amend House Bill No. 227, page 5, Section 4, by adding after the word "transportation" in line 4, the word "service."

The amendments were severally adopted.

Mr. Greathouse offered the following amendment to the bill:

Amend House Bill No. 227, on page 6, line 26, by inserting after the words "provisions hereof" the following: "Provided, however, it is not intended to require any person, firm, or corporation hereinabove defined to act as, or perform the services as a common carrier when to do so will in any manner or for any cause hamper or destroy, or tend to do so, the ability of those affected to supply or serve domestic consumers."

Mr. Tennyson offered the following substitute for the amendment by Mr. Greathouse:

Amend House Bill No. 227, page 6, line 26, by adding the following:

"The domestic consumers of natural gas shall at all times have preferential rights to all gas available and when the available supply is insufficient to meet both the domestic and industrial requirements, the Commission is hereby expressly authorized to require both pipe lines and distributing companies to discontinue service to any or all industrial consumers

for as long a period as may be necessary."

The substitute amendment was adopted.

Mr. Hankamer offered the following substitute for the amendment by Mr. Tennyson:

Amend House Bill No. 227, Section 1, page 3, by adding after the word "thereof" in line 11, the following:

"Provided that those hereinabove defined shall not act as common carriers until ordered to do so by valid order of the Railroad Commission, which order shall never require the performance of common carrier service when to do so will in any manner or for any cause hamper or destroy or tend to do so the ability of those affected to supply or serve domestic consumer which shall be determined at a public hearing on legally competent evidence after due notice to all towns or persons that may be affected by such order."

Mr. Tennyson moved to table the substitute amendment by Mr. Hankamer.

The motion to table prevailed.

Mr. McKee offered the following amendment to the amendment by Mr. Tennyson:

Amend amendment by striking out the words "is hereby expressly authorized to" and insert in lieu thereof the word "shall."

The amendment was adopted.

The amendment as substituted was then adopted.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 227 by changing the word "may" in line 20, page 6, to the word "shall."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 227 by adding at the end of Section 9 the following:

"Provided that the provisions of this Act shall not prejudice any municipality in enforcing existing contracts to have natural gas supplied to such municipality for resale or distribution by such municipality."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 227 by inserting after the enacting clause and before Section 1 the following:

"Natural gas being one of the natural resources of Texas and being transient in the underground reservoirs of the earth and incapable of identification or location, and the public having an interest in such natural gas and the conservation thereof, it is therefore declared the public policy of this State that such natural gas and its development, conservation, transportation, and sale is subject to regulation by law."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 227 by adding the following at the end of Section 1:

"Section 1-a. Each and every common carrier, the agents or representatives thereof, defined in Section 1 hereof, owning any of the said common carrier facilities for transporting natural gas in this State shall, within ninety days from the date that this Act takes effect, install proper, sufficient, and efficient meters or other measuring devices at the receiving end, and like meters or devices at the delivering end of each such pipe line; for such pipe lines as shall import natural gas into the State the distance within five hundred yards inside of the boundary line of the State of Texas shall be regarded as the receiving end and such pipe lines as export natural gas out of the State of Texas, such five hundred yards space shall be regarded as the delivering end, and for such pipe lines as receive and deliver natural gas within the State of Texas the term 'receiving end' and the term 'delivering end' shall have their natural and ordinarily understood meaning.

"Sec. 1-b. Authority is hereby granted to any three or more persons engaged in any one or more or all of said acts designated in Section 1 hereof, to form a corporation or corporations without capital stock with certificates issued in proportion to the interest of each owner in the production, transportation, and marketing of natural gas; at the time the owner of any such rights or interests shall convey the same to such corporation, certificates in proportion to such interest so conveyed shall be issued to such grantor; the number of units in

any such certificate shall be for the full share of the grantor on a basis as herein provided.

"Sec. 1-c. Immediately after this Act takes effect and not later than six months thereafter the Railroad Commission of Texas shall adequately and properly:

"(a) Determine, designate, and define each and every natural gas reservoir in the State of Texas, and define each separate source of supply of natural gas in each separately defined territory.

"(b) Accurately designate the total separate daily capacity of each fixed natural gas producing area in Texas.

"(c) Classify into separate zones the sour gas and the natural gas and fix the total capacity and area of each similar zone as to separate daily capacity.

"(d) Determine the total separate daily capacity of each gas well in each common source of supply and designate the volume of each zone and the volume of each drainage area.

"(e) Classify and determine as accurately as possible the volume in each zone in the undeveloped area included in the common source of supply area. Determine and fix the distance and cost of transporting natural gas from each well or each drainage area of each separate ownership to the receiving end of such common carrier pipe line and fix the equities between the separate owners in transporting the ratable amount of gas which such owner is entitled to sell, transport, and market in such common venture.

"(f) Fix and determine the number of units to which any owner may be entitled in any one common source of supply and the amounts to be charged against such ownership, to adjust equities in the quality of gas and the distance from the receiving end of such pipe line. Fix and determine the value of the various qualities of gas and adjust the difference in value between sour gas and sweet gas.

"(g) Determine the volume of gas for which there is a market. Designate and locate the various markets and uses of such gas.

"(h) Determine the capacity of such common carrier, determine the number and capacity of the necessary additional common carrier pipe lines and the cost thereof.

"(i) Determine the amount of such gas that can be stripped and the amount that can be used for the manufacture of carbon black or other salable substances; fix the ratable taking of both sweet and sour gas in each common source of supply as between the owners therein and the owners of separate common sources of supply.

"(j) Prorate ratable and fix a daily allowable for each owner in each common source of supply of all gas, based on daily use and possible market, to the end that waste may be prohibited and conservation guaranteed ratably to each owner.

"(k) Determine decreases and increases and changes from time to time, make new allocations for separate common sources of supply, fix new percentages and allowables as uses and markets and volumes change.

"(l) Fix rules and regulations for hearings to justify the orders herein required.

"Sec. 1-d. A tax equal to one-half of one per cent of the gross selling price of the gas at the delivering end of said common carrier line, is hereby fixed and assessed and the same shall be collected as under Article 6060, 1925 Revised Civil Statutes, and paid into the Treasury of the State of Texas and credited to a special fund designated 'Common Carrier Fund.' Out of the revenues thus obtainable to such common carrier fund such corporation shall pay for the construction of such additional gatherings and common carrier lines as shall be necessary to supply markets and uses obtainable for such natural gas.

"Sec. 1-e. That after the adjustment of the equities in distances and classifications of gas such corporation shall use the sour gas as far as possible for stripping purposes and the manufacture of carbon black and other salable substances and each owner from each common source of supply shall participate equitably and ratably in the gas used for stripping purposes and the products therefrom and in the gas used to manufacture carbon black and other salable substances, and in the use of gas transported and marketed through such common carrier lines.

"Sec. 1-f. Such corporation shall determine through its board of directors, according to the general laws of Texas the management, control, and opera-

tion of such corporation and collect for the gas used and marketed and make settlement of the tax herein provided and distribute to the unit holders in said corporation in accordance with their equities and percentages the amounts to which each is entitled.

"Sec. 1-g. Any one who shall knowingly violate any provision hereof or any order, rule or regulation of the Railroad Commission herein authorized shall be guilty of a misdemeanor and shall be fined as in this Act provided."

Mr. Lotief raised a point of order on further consideration of the amendment by Mr. Pope, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Pope moved that further consideration of House Bill No. 227 be postponed until 10 o'clock a. m., tomorrow.

Mr. Walker moved to table the motion to postpone.

The motion to table prevailed.

Mr. Reader moved the previous question on the passage of the bill to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

(Pending consideration of the bill, Mr. Cooper occupied the Chair temporarily.)

(Speaker in the Chair.)

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

Question recurring on the passage of House Bill No. 227 to engrossment, yeas and nays were demanded.

House Bill No. 227 was passed to engrossment by the following vote:

Yeas—101

Adamson	Burton
Aikin	Cagle
Alexander	Calvert
Alsup	Canon
Atchison	Daniel
Beck	Davis
Bergman	Davison of Fisher
Bourne	Davisson
Bradbury	of Eastland
Broyles	Dickison

Dunlap of Hays	Mauritz
Duvall	McCalla
England	McConnell
Fain	McFarland
Farmer	McKinney
Fisher	Moffett
Fitzwater	Moore
Fox	Morris
Frazer	Morrison
Fuchs	Newton
Gibson	Olsen
Glass	Padgett
Good	Patterson
Graves	Payne
Gray	Quinn
Greathouse	Reed of Bowie
Harris of Archer	Roach of Angelina
Hartzog	Roach of Hunt
Head	Roark
Herzik	Roberts
Hodges	Rogers
Hoskins	Russell
Huddleston	Rutta
Hunt	Settle
Hyder	Shofner
Jefferson	Smith
Jones of Atascosa	Stanfield
Jones of Falls	Stovall
Jones of Runnels	Tarwater
Jones of Shelby	Tennyson
Jones of Wise	Thornton
King	Tillery
Knetsch	Venable
Lange	Waggoner
Lanning	Walker
Latham	Wells
Lemens	Westfall
Lindsey	Wood of Harrison
Lotief	Wood of Montague
Lucas	Young
Luker	Youngblood

Nays—24

Butler of Brazos	Howard
Butler of Karnes	Hunter
Celaya	Jackson
Clayton	James
Collins	McKee
Colquitt	Nicholson
Cooper	Petsch
Crossley	Pope
Dunagan	Reed of Dallas
Hankamer	Scarborough
Harris of Dallas	Steward
Hill	Stinson

Absent

Adkins	Ford
Ash	Hardin
Bradford	Holland
Caldwell	Keefe
Colson	Leonard
Cowley	Palmer
Dunlap of Kleberg	Reader
Dwyer	Riddle

Absent—Excused

Craddock	Roane
Hofheinz	Spears
Leath	Worley
Morse	

MOTION TO TAKE UP HOUSE
BILL NO. 227

Mr. Tennyson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 227 be placed on its third reading and final passage.

The motion was lost (not receiving the necessary four-fifths vote) by the following vote:

Yeas—99

Adamson	Hyder
Adkins	Jefferson
Aikin	Jones of Atascosa
Alexander	Jones of Falls
Alsup	Jones of Runnels
Ash	Jones of Shelby
Atchison	Jones of Wise
Beck	Knetsch
Bergman	Lange
Bourne	Lanning
Bradbury	Latham
Broyles	Lemens
Burton	Lindsey
Cagle	Lotief
Calvert	Lucas
Canon	Mauritz
Celaya	McCalla
Daniel	McConnell
Davis	McFarland
Davison of Fisher	McKinney
Davisson	Moffett
of Eastland	Moore
Dickison	Morris
Dunlap of Hays	Morrison
Duvall	Newton
England	Olsen
Fain	Padgett
Farmer	Patterson
Fisher	Payne
Fitzwater	Petsch
Ford	Reed of Bowie
Fox	Roach of Angelina
Frazer	Roach of Hunt
Fuchs	Roark
Gibson	Roberts
Glass	Rogers
Good	Russell
Graves	Rutta
Gray	Settle
Harris of Archer	Shofner
Head	Smith
Herzik	Stanfield
Hodges	Steward
Huddleston	Stovall

Tarwater	Walker
Tennyson	Wells
Thornton	Westfall
Tillery	Wood of Harrison
Venable	Wood of Montague
Waggoner	Youngblood

Nays—25

Butler of Brazos	Jackson
Butler of Karnes	James
Clayton	King
Collins	Luker
Colquitt	McKee
Cooper	Nicholson
Crossley	Pope
Dunagan	Quinn
Hankamer	Reed of Dallas
Harris of Dallas	Riddle
Hill	Scarborough
Howard	Stinson
Hunter	

Absent

Bradford	Hofheinz
Caldwell	Holland
Colson	Hunt
Cowley	Keefe
Dunlap of Kleberg	Leonard
Dwyer	Palmer
Greathouse	Reader
Hardin	Young
Hartzog	

Absent—Excused

Craddock	Roane
Hoskins	Spears
Leath	Worley
Morse	

TO PROVIDE FOR ADJOURNMENT SINE DIE

Mr. Shofner offered the following resolution:

H. C. R. No. 54, To provide for adjournment sine die.

Whereas, The condition of the country is such that the State Government should be put to a minimum of expense in the operation of all its governmental agencies, including the Legislature; and

Whereas, It would be of great benefit to the people of Texas for the Legislature to pass the appropriations necessary for the support and maintenance of our government, and then to adjourn; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the Regular Session of the Forty-fourth Legisla-

ture stand adjourned sine die at twelve (12) noon on April 1, 1935.

SHOFNER,
HANKAMER,
KNETSCH,
AIKIN,
QUINN.

The resolution was read second time.

Question recurring on the adoption of the resolution, yeas and nays were demanded.

The resolution was lost by the following vote:

Yeas—35

Aikin	Huddleston
Beck	Hyder
Bergman	King
Bradbury	Knetsch
Butler of Brazos	Latham
Calvert	Lucas
Davisson	McCalla
of Eastland	McKinney
Dunagan	Moffett
Dunlap of Kleberg	Quinn
Duvall	Riddle
Fisher	Roberts
Fitzwater	Settle
Ford	Shofner
Glass	Steward
Hankamer	Tillery
Herzik	Walker
Howard	Wells

Nays—94

Adamson	Fuchs
Adkins	Gibson
Alexander	Good
Alsup	Graves
Ash	Gray
Atchison	Greathouse
Bourne	Harris of Archer
Broyles	Harris of Dallas
Burton	Hartzog
Butler of Karnes	Head
Cagle	Hill
Canon	Hodges
Celaya	Hofheinz
Clayton	Hunt
Collins	Hunter
Colquitt	Jackson
Cooper	James
Crossley	Jefferson
Daniel	Jones of Atascosa
Davis	Jones of Falls
Davison of Fisher	Jones of Runnels
Dickison	Jones of Shelby
Dunlap of Hays	Jones of Wise
Dwyer	Lange
England	Lanning
Fain	Lemens
Farmer	Lindsey
Fox	Lotief

Luker	Roach of Hunt
Mauritz	Roark
McConnell	Rogers
McFarland	Russell
McKee	Rutta
Moore	Scarborough
Morris	Smith
Morrison	Stanfield
Newton	Stinson
Nicholson	Stovall
Olsen	Tarwater
Padgett	Tennyson
Patterson	Thornton
Payne	Venable
Petsch	Waggoner
Pope	Westfall
Reed of Bowie	Wood of Harrison
Reed of Dallas	Wood of Montague
Roach of Angelina	Youngblood

Absent

Bradford	Holland
Caldwell	Keefe
Colson	Leonard
Cowley	Palmer
Frazer	Reader
Hardin	Young

Absent—Excused

Craddock	Roane
Hoskins	Spears
Leath	Worley
Morse	

**EXPRESSING APPRECIATION TO
THE MEMBERS OF THE
HOUSE OF REPRESENTATIVES**

The Speaker laid before the House, and had read, the following communication:

Austin, Texas, March 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives, Austin, Texas.

Dear Sir: I should like for you to express my deep gratitude to the members of the House of Representatives for the kind resolution which they favored me with and for the beautiful flowers which lent so much cheer to the gloom of my illness.

Please assure each member that I shall not soon forget his good wishes.

Very truly yours,
EDGAR S. KEEFE.

LEAVES OF ABSENCE GRANTED

Mr. Reed of Bowie asked unanimous consent of the House that he

be granted leave of absence for this afternoon to attend a meeting of the Senate Committee on Constitutional Amendments.

There was no objection offered, and it was so ordered.

Mr. Worley was granted leave of absence for this afternoon on account of illness, on motion of Mr. Fain.

MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, March 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. J. R. No. 24, Proposing to amend the Constitution of the State of Texas so as to permit the furnishing of State official textbooks free to every child of scholastic age, attending any school within the State.

S. J. R. No. 12, Proposing an amendment to Section 22, of Article IV, of the Constitution of the State of Texas, fixing the salary of the Attorney General at ten thousand dollars (\$10,000) a year; providing for its submission to the voters of the State of Texas as required by the Constitution, and making appropriation therefor.

S. J. R. No. 13, Proposing an amendment to Section 23, of Article IV, of the Constitution of the State of Texas, fixing the salary of the Comptroller, Treasurer, and the Commissioner of the General Land Office at six thousand dollars (\$6,000) per annum; providing for its submission to voters of the State of Texas as required by the Constitution, and making appropriation therefor.

S. J. R. No. 14, Proposing an amendment to Section 5, of Article IV, of the Constitution of the State of Texas, fixing the salary of the Governor; providing for its submission to the voters of the State of Texas as required by the Constitution, and making an appropriation therefor.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

H. B. No. 46, "An Act declaring monopolies contrary to public policy of this State; making it unlawful for those engaged in the public utility business to prevent or hinder legitimate competition, or to fix discriminatory rates; making the Act applicable to subsidiary and associated corporations; providing for prima facie evidence of violations; providing for quo warranto proceeding and forfeiture of charter; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

SENATE JOINT RESOLUTIONS
ON FIRST READING

The following Senate joint resolutions, received from the Senate today, were laid before the House, read first time, and referred to the Committee on Constitutional Amendments:

Senate Joint Resolutions Nos. 6, 12, 13, 14, 16, and 24.

RECESS

Mr. McKee moved that the House recess to 10 o'clock a. m., tomorrow.

Mr. Quinn moved that the House adjourn until 10 o'clock a. m., tomorrow.

Mr. Fox moved that the House recess to 9:30 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Quinn, it was lost.

Question next recurring on the motion by Mr. Fox, it prevailed, and the House, accordingly, at 5:15 o'clock p. m., took recess to 9:30 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committee filed favorable reports on bills as follows:

Revenue and Taxation: House Bills Nos. 461, 517, 583, 625, 659, 682, and 749.

REPORT OF THE COMMITTEE
ON ENGROSSED BILLS

Committee Room,
Austin, Texas, March 14, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 635, A bill to be entitled "An Act validating, ratifying, approving, and confirming bonds and other instruments or obligations heretofore issued by water control and improvement district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city, or incorporated town of this State for public works projects, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE
ON ENROLLED BILLS

Committee Room,
Austin, Texas, March 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 159, "An Act to amend Article 1683 of the Revised Civil Statutes of Texas, 1925, so as to provide that county librarians who have received a certificate of qualification for office one time from the State Board of Examiners, and said county librarian has under said certificate received employment in any county library in this State, said librarian may thereafter be employed or re-employed by any county library without further examination and the issuance of another certificate from said State Board of Library Examiners, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, March 18, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 232, "An Act regulating petitions in suits for divorce, to require such petitions to state whether there are children under sixteen (16) years of age, and if so, to give full information as to such minors, making it the duty of the courts having jurisdiction of such suits to inquire into the status of such children, if divorce be granted; empowering such courts to make orders and decrees for their support and maintenance until they reach sixteen (16) years of age; to determine and fix the amounts to be paid, the times of payment, to whom to be made, to have authority to enforce all decrees by contempt proceedings, and to have control of such decrees, to alter them when justice requires, to ascertain the ability to pay, to enforce the duty of the parents to support their children under sixteen (16) years of age, after divorce, presenting the procedure; providing for the filing of sworn monthly reports with the clerk of the court for approval by the judge; providing this Act shall be cumulative of all other laws on the same subject, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, March 18, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 46, "An Act declaring monopolies contrary to public policy of this State; making it unlawful for those engaged in the public utility business to prevent or hinder legitimate competition, or to fix discriminatory rates; making the Act applicable to subsidiary and associated corporations; providing for prima facie evidence of violation; providing for quo warranto proceeding and forfeiture of charter; repealing all laws and parts of laws in conflict herewith; providing a saving clause, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chariman.

Committee Room,
Austin, Texas, March 15, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 81, "An Act extending and enlarging the territorial boundaries and corporate limits of the City of Texas City, so as to include within such boundaries and limits an uninhabited parcel of land owned by said city and contiguous to the present boundaries thereof, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, March 18, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 8, Granting Maney and Alley, contractors, permission to sue the State Highway Commission and the State of Texas,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, March 18, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 738, "An Act to diminish the civil jurisdiction of the County Court of Wichita County, Texas, and conform the jurisdiction of the district courts of such county to such change; to preserve the jurisdiction and power of the County Court of Wichita County, Texas, over certain final judgments rendered prior to the passage of this Act; to require the county clerk of such county to transmit all papers in pending civil cases to the district courts of said county; and to continue in effect the filing date of papers previously filed in the county court in said pending cases; to fix fees that the district clerk of such county will be authorized to charge in connection with filing of papers so transmitted to him, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, March 18, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. B. No. 47, "An Act to amend
Sections 3, 5, 11, and 16, of Chapter
244, of the Acts of the Regular Ses-
sion of the Forty-second Legislature
of the State of Texas, and declaring
an emergency,"

Has carefully compared same, and
finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,
Austin, Texas, March 18, 1935.

Hon. Coke Stevenson, Speaker of the
House of Representatives.

Sir: Your Committee on Enrolled
Bills, to whom was referred

H. C. R. No. 32, Memorializing the
Congress of the United States of
America to pass an Act known as
H. R. 3263 now pending in the House
of Representatives of the Congress of
the United States,

Has carefully compared same, and
finds it correctly enrolled.

ATCHISON, Chairman.

In Memory of Mr. Frank M. Wilson, Jr.

Mr. Colson offered the following resolution:

Whereas, The House learned with regret of the death of Mr. Frank M. Wilson, Jr., son-in-law of our beloved member, Gaston Palmer, in Houston, on March 15, 1935; and

Whereas, Mr. Wilson was an honored and valuable citizen of his county and State; now, therefore, be it

Resolved by the House of Representatives, That the members regret exceedingly the unfortunate passing of this worthy man and deeply sympathize with his bereaved family; and, be it further

Resolved, That a copy of this resolution be spread upon the House Journal in memory of the deceased; and, be it further

Resolved, That when the House adjourns today that it do so in respect and in the memory of Mr. Frank M. Wilson; and, be it further

Resolved, That the Chief Clerk of the House be instructed to send a copy of this resolution to the family of the deceased.

COLSON.

Signed—Stevenson, Speaker; Adamson, Adkins, Aikin, Alexander, Alsup, Ash, Atchison, Beck, Bergman, Bourne, Bradbury, Bradford, Broyles, Burton, Butler of Brazos, Butler of Karnes, Cagle, Caldwell, Calvert, Canon, Celaya, Clayton, Collins, Colquitt, Cooper, Cowley, Craddock, Crossley, Daniel, Davis, Davison of Fisher, Davisson of Eastland, Dickison, Dunagan, Dunlap of Hays, Dunlap of Kleberg, Duvall, Dwyer, England, Fain, Farmer, Fisher, Fitzwater, Ford, Fox, Frazer, Fuchs, Gibson, Glass, Good, Graves, Gray, Greathouse, Hankamer, Hardin, Harris of Archer, Harris of Dallas, Hartzog, Head, Herzik, Hill, Hodges, Hofheinz, Holland, Hoskins, Howard, Huddleston, Hunt, Hunter, Hyder, Jackson, James, Jefferson, Jones of Atascosa, Jones of Falls, Jones of Runnels, Jones of Shelby, Jones of Wise, Keefe, King, Knetsch, Lange, Lanning, Latham, Leath, Lemens, Leonard, Lindsey, Lotief, Lucas, Luker, Mauritz, McCalla, McConnell, McFarland, McKee, McKinney, Moffett, Moore, Morris, Morrison, Morse, Newton, Nicholson, Olsen, Padgett, Patterson, Payne, Petsch, Pope, Quinn, Reader, Reed of Bowie, Reed of Dallas, Riddle, Roach of Angelina, Roach of Hunt, Roane, Roark, Roberts, Rogers, Russell, Rutta, Scarborough, Settle, Shofner, Smith, Spears, Stanfield, Steward, Stinson, Stovall, Tarwater, Tennyson, Thornton, Tillery, Venable, Waggoner, Walker, Wells, Westfall, Wood of Harrison, Wood of Montague, Worley, Young, Youngblood.

The resolution was read second time.

On motion of Mr. Butler of Brazos, the names of all the members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.